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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/886,773	06/21/2001	Guy W. Bemis	VPI94-04DIV5	6928

1473 7590 07/14/2005

FISH & NEAVE IP GROUP  
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NEW YORK, NY 10020-1105

EXAMINER
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LUKTON, DAVID

ART UNIT	PAPER NUMBER
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1654

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Notice of Abandonment

Application No.

09/886,773

Examiner

David Lukton

Applicant(s)

BEMIS ET AL.

Art Unit

1654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 4/1/04.
  - (a) ☒ A reply was received on 18 February 2005 (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of 0 month(s)) which expired on 7/1/04.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☐ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent of the applicants upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered of the decision has expired and there are no allowed claims.
7. ☒ The reason(s) below:

On 3/1/04, a requirement for CRF sequence listing was mailed. Pursuant to the response filed 4/1/04, applicants made an (unsuccessful) attempt to comply with the sequence listing requirement. In a letter mailed 4/1/04, applicants were informed that they had still not complied with the sequence rules. Applicants did finally comply with the sequence rules, but not until 2/18/05, which is beyond the 6 month statutory deadline for compliance.

DAVID LUKTON  
PATENT EXAMINER  
GROUP 1800

*D. Lukton*

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.